IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 498/2006

(Vardhi Shanker V/s State of Rajasthan & Anr.)

Date of Order : 11/07/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. R.S.Chundawat, for the petitioner.
Mr. Ashok Upadhyay, P.P.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 28.10.2004 passed by the Additional Chief Judicial Magistrate, Begun, district Chittorgarh (for short 'the trial court' hereinafter), whereby the trial court took the cognizance of the offence under Section 448 IPC and issued the process against the petitioner.

I have heard learned counsel for the petitioner and carefully gone through the order impugned.

There had not been any interim stay after passing the order impugned dated 28.10.2004 and by now the trial might have proceed. Even otherwise, on close scrutiny of the order impugned as also the statements of witnesses recorded by the police under Section 161 Cr.P.C. namely Mohd. Babu, prima-facie there is evidence to proceed against the petitioner for the offence notice above. In this view of the matter, I do not find any error, illegality in the order taking cognizance warranting interference under Section 482 Cr.P.C. It cannot be said that the order impugned would result into serious miscarriage of justice or abuse of the process of the Court.

The criminal misc. petition has no force and it is therefore, dismissed.

(H.R.PANWAR),J.

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